

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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SAFECO INSURANCE COMPANY
OF AMERICA,

08-cv-3312 (ARR) (ALC)

Plaintiff,

NOT FOR PRINT OR
ELECTRONIC
PUBLICATION

-against-

ORDER

M.E.S., INC., et al.,

Defendants.
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ROSS, United States District Judge:

On May 18, 2010, I issued an order granting in part plaintiff's motion for partial summary judgment for specific performance of the collateral security provision found in the parties' indemnity agreements. Defendant MES presently seeks a stay pending appeal of the May 18, 2010 order pursuant to Fed. R. Civ. P. 62(c). Based on the parties' pre-motion letters, I find that the requirements of a stay under Rule 62(c) have not been met. In fairness to the defendants, however, I believe that it is appropriate to stay the proceedings for a limited period of twenty-one (21) days to give the defendant an adequate opportunity to file a Notice of Appeal and seek a further stay pending appeal from the United States Court of Appeals for the Second Circuit.

SO ORDERED.

s/ ARR

Allyne R. Ross
United States District Judge

Dated: June 4, 2010
Brooklyn, New York